



# **CITY OF SANTA BARBARA**

## **CITY COUNCIL MINUTES**

### **REGULAR MEETING**

**June 22, 2010**

### **COUNCIL CHAMBER, 735 ANACAPA STREET**

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#### **CALL TO ORDER**

Mayor Pro Tempore Grant House called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Finance Committee and the Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this date.)

#### **PLEDGE OF ALLEGIANCE**

Mayor Pro Tempore House.

#### **ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Michael Self, Bendy White, Das Williams, Mayor Pro Tempore House.

Councilmembers absent: Mayor Helene Schneider.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

#### **PUBLIC COMMENT**

Speakers: Kenneth Loch; Phil Walker; Ruth Wilson; Claudia Bratton, Summer Solstice; Kate Smith.

#### **ITEMS REMOVED FROM CONSENT CALENDAR**

10. Subject: Fiscal Year 2011 Unpaid Furlough And Related Labor Agreement Updates (Managers, Supervisors, And General Employees) (440.03)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the 2008-2010 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit) to Extend the Term of the Agreement through September 30, 2011, and Include a Supplemental Agreement Regarding Furlough and Other Layoff Avoidance Measures for Fiscal Year 2011;

(Cont'd)

10. (Cont'd)

- B. Authorize the City Administrator to implement salary and benefit reductions for Supervisors at a level lower than that provided under the applicable labor agreement, pending the outcome of negotiations with the Santa Barbara Police Officers' Association; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring a Mandatory Unpaid Furlough for City Employees During Fiscal Year 2010-2011 and Approving a General Furlough Closure Schedule for Certain City Offices.

Documents:

- June 22, 2010, report from the Assistant City Administrator/Administrative Services Director.
- Proposed Ordinance and Resolution.

The titles of the ordinance and resolution were read.

Motion:

Councilmembers Williams/White to approve the recommendations.

Vote:

Failed to carry by roll call vote (Ayes: Councilmembers House, White, Williams; Noes: Councilmembers Francisco, Hotchkiss, Self; Absent: Mayor Schneider).

Motion:

Councilmembers Williams/White to table this item until the end of the meeting.

Vote:

Unanimous voice vote (Absent: Mayor Schneider).

Mayor Schneider entered the meeting at 2:26 p.m.

5. Subject: Introduction Of Medical Marijuana Storefront Collective Dispensary Ordinance (520.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Revising Chapter 28.80 and Establishing Revised Regulations and Procedures for Medical Marijuana Storefront Collective Dispensaries.

(Cont'd)

5. (Cont'd)

Documents:

- June 22, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- June 21, 2010, letter from Paula Westbury.
- Written remarks made by Tracy Fernandez.

The title of the ordinance was read.

Speakers:

- Members of the Public: Tracy Fernandez, Andrea Roselinsky, Jeff Wood, Patrick Fourmy, Betty, Maryann Cassidy.
- Staff: City Attorney Stephen Wiley.

Motion:

Mayor Schneider/Councilmember White to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmember House).

10. Subject: Fiscal Year 2011 Unpaid Furlough And Related Labor Agreement Updates (Managers, Supervisors, And General Employees) (Cont'd)

By consensus, this item was removed from the table.

Motion:

Councilmembers Williams/White to approve the recommendations;  
Resolution No. 10-038.

Vote:

Majority roll call vote (Noes: Councilmembers Francisco, Hotchkiss, Self).

**CONSENT CALENDAR (Item Nos. 1 – 4, 6 – 9 and 13)**

The titles of ordinances related to Consent Calendar items were read.

Motion:

Councilmember Williams/Mayor Schneider to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Fiscal Year 2010 Interim Financial Statements For The Ten Months Ended April 30, 2010 (250.02)

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Ten Months Ended April 30, 2010.

Action: Approved the recommendation (June 22, 2010, report from the Interim Finance Director).

2. Subject: Adoption of Ordinance Amendments Related To Construction Prohibited In The Vicinity Of The Conejo Landslide (640.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code in Order to Amend Chapter 22.90 Pertaining to the Extent of the Revised Slide Mass C Area Covered by the City's 1997 Conejo Slide Area Ordinance in Order to Reduce the Area of Slide Mass C in Accordance with New Geological Information and to Allow Certain Limited New Non-Habitable Improvements and Historic Resources to be Built Under Certain Circumstances.

Speakers:

Members of the Public: Kellam de Forest.

Action: Approved the recommendation; Ordinance No. 5522 (June 21, 2010, letter from Paula Westbury).

3. Subject: Adoption Of Ordinances For Agreements For Airport Food And Beverage And Retail Concessions (330.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with First Class Concessions, Inc., for Operation of a Food and Beverage Concession at the Airport; and
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with M/E, Inc., for Operation of a Retail News and Gift Concession at the Airport.

Action: Approved the recommendations; Ordinance Nos. 5523 and 5524; Agreement Nos. 23,445 and 23,446 (June 21, 2010, letter from Paula Westbury).

4. Subject: Adoption Of Ordinance For A 25-Year Lease With The Santa Barbara Yacht Club (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 25-Year Lease With the Santa Barbara Yacht Club on Premises Located Within the Santa Barbara Harbor, Effective July 22, 2010.

Action: Approved the recommendation; Ordinance No. 5525; Agreement No. 23,447 (June 21, 2010, letter from Paula Westbury).

6. Subject: Agreement For Workers' Compensation Claims Administration (350.08)

Recommendation: That Council authorize the Finance Director to negotiate and execute a professional services agreement with JT2 Integrated Resources to: A. Provide workers' compensation claims administration for three fiscal years beginning July 1, 2010, and ending June 30, 2013, for annual fees of \$215,000, \$221,450, and \$229,201, respectively; and B. Provide medical bill review services for three fiscal years beginning July 1, 2010, and ending June 30, 2013, for an annual fee of \$73,689.

Action: Approved the recommendation; Agreement No. 23,448 (June 22, 2010, report from the Interim Finance Director).

7. Subject: Grant To City Housing Authority For Rental Assistance Program For The Homeless (660.04)

Recommendation: That Council approve a \$200,000 grant to the Housing Authority of the City of Santa Barbara in federal HOME Investment Partnerships Program funds to establish a rental assistance program targeted to homeless persons.

Action: Approved the recommendation (June 22, 2010, report from the Assistant City Administrator/Community Development Director).

8. Subject: Purchase Order With Univision To Broadcast Spanish Language Clean Creek Messages (540.14)

Recommendation: That Council:

- A. Accept a contribution of \$3,400 from the County of Santa Barbara, and \$3,000 from the City of Goleta;
- B. Increase appropriations and estimated revenues in the Fiscal Year 2011 Creeks Division Operating Budget in the amount of \$6,400; and
- C. Authorize the General Services Manager to issue a purchase order in the amount of \$20,400 to Univision for a Spanish language public awareness campaign on creek and ocean water pollution prevention.

(Cont'd)

8. (Cont'd)

Action: Approved the recommendation (June 22, 2010, report from the Parks and Recreation Director; June 21, 2010, letter from Paula Westbury).

9. Subject: Purchase Order With Rincon Broadcasting LLC To Broadcast Clean Creek Messages (540.14)

Recommendation: That Council authorize the General Services Manager to issue a purchase order in the amount of \$28,824 to Rincon Broadcasting LLC to continue a public awareness campaign on water pollution prevention.

Action: Approved the recommendation (June 22, 2010, report from the Parks and Recreation Director).

Agenda Item Nos. 11 and 12 appear in the Redevelopment Agency minutes.

**NOTICES**

13. The City Clerk has on Thursday, June 17, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

Councilmember White left the meeting at 2:55 p.m.

**PUBLIC HEARINGS**

14. Subject: Appeal Of Historic Landmarks Commission Denial For 517 Chapala Street Development Project (640.07)

Recommendation: That Council:

- A. Uphold the appeal of Peikert Group Architects filed on behalf of H&R Investments, and overturn the Historic Landmarks Commission decision to deny Preliminary Approval of a proposed mixed-use project located at 517 Chapala Street; and
- B. Grant the project Preliminary Approval and refer the project back to the Historic Landmarks Commission for Final Approval consistent with previous Council direction on the project's final design details.

(Cont'd)

14. (Cont'd)

Documents:

- June 22, 2010, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- June 18, 2010, letter from the Applicant/Appellant.
- June 16, 2010, letter from Caroline Vassallo.

Public Comment Opened:  
2:56 p.m.

Speakers:

- Staff: Senior Planner Jaime Limon.
- Historic Landmarks Commission: Commissioners Louise Boucher, Craig Shallenberger.
- Appellant/Applicant: Detlev Peikert, Attorney Steven Amerikaner.
- Members of the Public: Mary Louise Days, Kellam de Forest, Wanda Livernois, Tim Buynak.

Public Comment Closed:  
4:02 p.m.

Motion:

Councilmembers House/Williams to approve the recommendations.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Self; Absent: Councilmember White).

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

- Mayor Schneider reported on her attendance at a United States Conference of Mayors meeting held in New Orleans this past weekend to discuss how mayors can assist their counterparts in the Gulf Coast in the effort to recover from the recent oil spill.
- Councilmember Williams spoke about the status of a project bid received by the Cachuma Operations and Maintenance Board; he also discussed the Multi-Jurisdictional Solid Waste Task Group's preliminary review of proposals for the conversion technology project.

## **RECESS**

The Mayor recessed the meeting at 4:48 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 15 and 16, and she stated there would be no reportable action taken during the closed sessions.

## **CLOSED SESSIONS**

16. Subject: Conference With Real Property Negotiator (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible purchase of real property located at 401 Las Positas Road, Santa Barbara, California, Assessor's Parcel No. 047-093-004. The owner of the real property is Daniel Bollag. Negotiations are held pursuant to the authority of California Government Code Section 54956.8. The City's negotiators are Cameron Benson, Creeks Restoration/Clean Water Manager, and representatives of the City Attorney's Office. The negotiator for the owner is Bobbi McGinnis, Century 21 Butler Realty, Inc. Under negotiation: Price and terms of sale of a possible purchase of real property.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

June 22, 2010, joint report from the Parks and Recreation Director and the City Attorney.

Time:

4:55 p.m. - 5:10 p.m. Councilmember White was absent.

No report made.

## **RECESS**

5:10 p.m. - 5:15 p.m.

## **CLOSED SESSIONS (CONT'D)**

15. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Cont'd)



15. (Cont'd)

Documents:

June 22, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

5:15 p.m. - 6:00 p.m. Councilmember White was absent.

Upon the Council's reconvening for its evening session, Mayor Schneider announced that this item was being continued to June 23, 2010.

**RECESS**

6:00 p.m. - 6:14 p.m.

**RECONVENE AT DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET**

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Self, White, Williams, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Tschech.

**PUBLIC COMMENT**

No one wished to speak.

**WORK SESSIONS**

17. Subject: Plan Santa Barbara General Plan Update (650.05)

Recommendation: That Council hold a joint work session with the Planning Commission to receive a status report on the Plan Santa Barbara (PlanSB) General Plan Update process, discuss key decision points, and provide direction on Planning Commission policy recommendations.

The Planning Commission meeting was called to order, and the meeting continued in joint session.

(Cont'd)

17. (Cont'd)

Planning Commissioners present: Charmaine Curtis Jacobs, Michael Jordan, John Jostes, Stella Larson, Sheila Lodge, Deborah Schwartz, Chair Bruce Bartlett.

Planning Commissioners absent: None.

Documents:

- June 22, 2010, report from the Assistant City Administrator/Community Development Director.
- Package of documents chronicling the Planning Commission's recommendations for the General Plan Update, submitted by Staff.
- Written comments submitted by City Councilmember White; Planning Commissioner Lodge.
- June 21, 2010, letter from Planning Commissioner Larson.
- Copy of article re population limits from May 25, 1975, issue of Santa Barbara News-Press, submitted by Planning Commissioner Lodge.
- June 17, 2010, letter from Water Commissioner Russell Ruiz.
- August 13, 2008, letter from the Westwood Hills Avocado Alliance.
- May 17, 2010, letter from the Montecito Association.
- June 13, 2010, letter from the League of Women Voters.
- June 14, 2010, e-mail from Victoria Greene, on behalf of Montecito Association Board of Directors.
- June 15, 2010, letters from the Santa Barbara Trust for Historic Preservation; State of California Office of Historic Preservation.
- June 16, 2010, e-mail from Jean von Wittenburg.
- June 17, 2010, letter from Karen Feeney.
- June 19, 2010, letter from the Citizens Planning Association.
- June 20, 2010, e-mails from Dennis Allen; Margie Grace.
- June 21, 2010, letters from Santa Barbara County Action Network; Community Environmental Council; Coastal Housing Coalition; Paula Westbury.
- June 21, 2010, e-mails from Daniel Wilson; Cheryl Kelmar; Michael Holliday; DeAnn Wilson; Peter Hunt.
- June 22, 2010, letters from the Santa Barbara Association of Realtors; PUEBLO.
- June 22, 2010, e-mails from Randy Rowse; Isabelle Greene.
- Undated letter from the Coalition for Sustainable Transportation (COAST).
- Written remarks made by Connie Hannah, League of Women Voters; Cathie McCammon, Allied Neighborhoods Association.

Public Comment Opened:  
6:17 p.m.

(Cont'd)

17. (Cont'd)

Speakers:

- Staff: Principal Planner John Ledbetter, City Planner Bettie Weiss.
- Downtown Parking Committee: Member Randy Rowse.
- Transportation and Circulation Committee: Members David Pritchett, Mark Bradley.
- Water Commission: Commissioner Russell Ruiz.
- Members of the Public: Fred Sweeney, Upper East Association; Steve Maas, Metropolitan Transit District; LeeAnne French, Citizens Planning Association; Michael Holliday, Santa Barbara Chamber of Commerce; Erik Holliday; Ralph Fertig, Santa Barbara Bicycle Coalition; Steve Little, Westwood Hills Avocado Alliance; Kristin Anderson; Jules Zimmer; Cathie McCammon, Allied Neighborhoods Association; Barbara Fosbrink, State of California Department of Parks and Recreation; Peter Hunt; Grecia Lima, PUEBLO; John Campanella; Gil Barry, Allied Neighborhoods Association; Kent Epperson; April Palencia; Debbie Cox Bultan, Coastal Housing Coalition; Laura Bridley, Montecito Association.

Recess: 7:45 p.m. - 8:02 p.m.

Speakers (Cont'd):

- Members of the Public (Cont'd): Mickey Flacks and Joe Andrulaitis, Santa Barbara For All; Megan Birney, Community Environmental Council; Holly Bradbury; Danny Copus, Coast Village Business Association; Cheryl Kelmar; Jayne Brechwald, Coalition for Community Wellness; Alex Pujo, Coalition for Sustainable Transportation; Joe Rution; Michael Chiacos; Connie Hannah, League of Women Voters; Jim Caldwell, Santa Barbara Association of Realtors; Kellam de Forest; Raymond Appleton; Eileen Monahan, First 5 Santa Barbara; Nathan Alley; Thomas Bollay; Brittany Odermann Heaton; Eric Lohela.

Public Comment Closed:

8:44 p.m.

The Mayor stated that the joint work session would be continued on Wednesday, June 23, 2010, at 1:00 p.m. Staff clarified that the intent of the continued discussion would be to obtain the City Council's feedback and direction on the Planning Commission's recommendations for the General Plan Update.

The Planning Commission meeting was adjourned at 8:51 p.m.

## **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 8:51 p.m. to Wednesday, June 23, 2010, at 1:00 p.m. for continuation of: 1) the General Plan Update joint work session with the Planning Commission (Agenda Item No. 17), and 2) the conference with the labor negotiator (Agenda Item No. 15).

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

_____	ATTEST:_____
HELENE SCHNEIDER MAYOR	SUSAN TSCHECH, CMC DEPUTY CITY CLERK